

Amend Section 630, Ecological Reserves
Title 14, California Code of Regulations
Re: Designation and Special Regulations

- The Department of Fish and Game proposes amending this Section 630, Title 14 to add eleven (11) areas to the list of designated ecological reserves; to remove one ecological reserve from the list and include the property as one of four units within one of the new reserves to simplify management of the property; to provide special area regulations for three of the new reserves to allow or limit specific activities; to amend special regulations for one existing ecological reserve to allow landowner approval of certain management related activities; to amend special regulations for three existing reserves to correct a spelling error, a numerical reference or county notation in the text.

The department proposes designating the following properties as ecological reserves:

1. Ballona Wetlands, 483 acres, Los Angeles County
2. Boulder Creek/Rutherford Ranch, 37 acres, San Diego County
3. Burton Mesa, 5,125 acres, Santa Barbara County
4. Del Mar Mesa/Lopez Ridge, 92 acres, San Diego County
5. Lake Hodges, 19 acres, San Diego County
6. Meadowbrook Ecological Reserve, 150 acres, San Diego County
7. Owl Creek, 1,219 acres, Humboldt County
8. Pilgrim Creek, 121 acres, San Diego County
9. San Diego River, 31 acres, San Diego County
10. San Luis Rey River, 11 acres, San Diego County
11. Santa Rosa Plain Vernal Pool, 369 acres, Sonoma County

The department proposes to amend three special regulations for the existing Headwaters Forest Ecological reserve to allow the Bureau of Land Management, which owns the property, to authorize camping and swimming for research and monitoring purposes; and to authorize use of aircraft and motor vehicles for emergency operations, monitoring, research and other management activities.

The department also proposes to remove from the existing list of ecological reserves the Laguna de Santa Rosa Ecological Reserve and include this property within the Todd Road Unit of the new Santa Rosa Plain Vernal Pool Ecological Reserve. This amendment is proposed to eliminate confusion of this area with the Laguna Wildlife Area and to assist management and public use activities.

Designation of the proposed eleven new ecological reserves will provide necessary regulatory protection for wildlife resources for which the properties were acquired. By designating these properties in Section 630, Title 14, CCR, all general regulations will apply to their management and use by the public, thus providing maximum assurance the resource values are maintained in perpetuity. Since these properties contain numerous state and federally listed species, sensitive vegetation communities and may act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources.

The following designations are proposed:

1. Ballona Wetlands, 483 acres, Los Angeles County is proposed for designation as an ecological reserve to protect and enhance coastal salt marsh and freshwater marsh habitat and associated species, including the state listed endangered Belding's savannah sparrow. The property also

acts as an important wildlife movement corridor to other public lands in the vicinity of the wetlands. One special regulation for this reserve is proposed to prohibit access, except as provided in the general regulations, until a restoration project on the property is completed. This restriction is necessary to protect the sensitive resources during the restoration period.

2. Boulder Creek/Rutherford Ranch, 37 acres, San Diego County is proposed for designation as an ecological reserve to protect and enhance oak habitat and associated species.
3. Burton Mesa, 5,125 acres, Santa Barbara County is proposed for designation as an ecological reserve to protect the rare Burton Mesa chaparral and associated sensitive species, including Purisma manzanita, shagbark manzanita, silvery legless lizard and San Diego desert woodrat. Two special regulations for Burton Mesa will restrict motor vehicle use to department authorized and public safety purposes to protect the rare chaparral community and allow upland game hunting in areas and at times specified by the department. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the department determines this public use is appropriate and will cause no impacts to sensitive species and habitat.
4. Del Mar Mesa/Lopez Ridge, 92 acres, San Diego County is proposed for designation as an ecological reserve to protect southern mixed chaparral, chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, vernal pools and associated species, including Orcutt's brodiaea, San Diego mesa mint, San Diego golden star, San Diego button celery, San Diego horned lizard, mountain lion and southern mule deer.
5. Lake Hodges, 19 acres, San Diego County is proposed for designation as an ecological reserve to protect Diegan coastal sage scrub, maritime succulent scrub and associated species, including the California gnatcatcher and the coastal cactus wren.
6. Meadowbrook Ecological Reserve, 150 acres, San Diego County is proposed for designation as an ecological reserve to protect Diegan coastal sage scrub and southern mixed/chamise chaparral and associated species, including the California gnatcatcher and Hermes Copper butterfly.
7. Owl Creek, 1,219 acres, Humboldt County is proposed for designation as an ecological reserve to protect old growth and young redwood and Douglas fir forests, and associated species, including the marbled murrelet.

8. Pilgrim Creek, 121 acres, San Diego County is proposed for designation as an ecological reserve to protect riparian habitat, coastal sage scrub and associated species, including the California gnatcatcher and the least Bell's vireo.
9. San Diego River, 31 acres, San Diego County is proposed for designation as an ecological reserve to protect riparian scrub and associated species, including the least Bell's vireo.
10. San Luis Rey River, 11 acres, San Diego County is proposed for designation as an ecological reserve to protect riparian scrub and associated species, including the least Bell's vireo.
11. Santa Rosa Plain Vernal Pool, 369 acres, Sonoma County is proposed for designation as an ecological reserve to protect vernal pools, vernal swales and the endangered species they support, including Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam and California tiger salamander. The reserve is proposed for designation to include four units: Hall Road, Todd Road, Wikiup and Yuba Drive. The addition of three special regulations for this reserve will prohibit entry without written permission of the department to protect habitat and species, allow public use of a future trail on the Hall Road Unit under conditions established by the regional manager, allow ecological research and environmental education with written permission from the department and allow livestock grazing for habitat management with written permission of the department.

The following administrative amendments are proposed:

1. An amendment to one special regulation for Buena Vista Ecological Reserve to correct a spelling error.
2. An amendment to one special regulation for China Point Ecological Reserve to correct a numerical reference. This change is necessitated by addition of new reserves elsewhere on the list and subsequent renumbering.
3. An amendment to the listing for San Joaquin River Ecological Reserve to specify the counties in which the reserve resides, correcting a prior omission.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1580, 1581, 1583 and 1907, Fish and Game Code.

Reference: Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

See attached Management Plan Summaries for the proposed new additions.

(e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings are being held prior to the notice publication. The 45 day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

Designation of the properties as wildlife areas in Section 550, Title 14, CCR. This alternative is inappropriate because of the purposes for which these properties were acquired. The sensitive habitats and species require additional protection not provided under Section 550.

(b) No Change Alternative:

By not adding these properties and providing special regulations, the appropriate level of protection for the properties is not provided. Also, appropriate public use activities will not be enforceable unless the amendments are made.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective and less burdensome to the affected private persons than the proposed regulations.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds eleven ecological reserves to Title 14 with special regulations for three of them, removes one ecological reserve to include it as a unit within a new reserve, amends special regulations for one reserve and corrects errors in text for three reserves. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific properties named.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

Informative Digest/Policy Statement Overview

Currently, there are 123 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add eleven new ecological reserves to this listing. The eleven new reserves are:

Ballona Wetlands consisting of 483 acres in Los Angeles County for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

Boulder Creek/Rutherford Ranch consisting of 37 acres in San Diego County for the protection and enhancement of oak habitat and associated species.

Burton Mesa consisting of 5,125 acres in Santa Barbara County for the protection of the rare Burton Mesa chaparral and associated sensitive species, including Purisima manzanita, shagbark manzanita, silvery legless lizard and San Diego desert woodrat.

Del Mar Mesa/Lopez Ridge consisting of 92 acres in San Diego County for protection of southern mixed chaparral, chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, vernal pools and associated species, including Orcutt's brodiaea, San Diego mesa mint, San Diego golden star, San Diego button celery, San Diego horned lizard, mountain lion and southern mule deer.

Lake Hodges consisting of 19 acres in San Diego County for protection of Diegan coastal sage scrub, maritime succulent scrub and associated species, including the California gnatcatcher and the coastal cactus wren.

Meadowbrook Ecological Reserve consisting of 150 acres in San Diego County for the protection of Diegan coastal sage scrub, southern mixed/chamise chaparral and associated species, including the California gnatcatcher and Hermes Copper butterfly.

Owl Creek consisting of 1,219 acres in Humboldt County for protection of old growth and young redwood and Douglas fir forests, and associated species, including the marbled murrelet.

Pilgrim Creek consisting of 121 acres in San Diego County for protection of riparian habitat, coastal sage scrub and associated species, including the California gnatcatcher and the least Bell's vireo.

San Diego River consisting of 31 acres in San Diego County for the protection of riparian scrub and associated species, including the least Bell's vireo.

San Luis Rey River consisting of 11 acres in San Diego County for protection of riparian scrub and associated species, including the least Bell's vireo.

Santa Rosa Plain Vernal Pool consisting of 369 acres in Sonoma County for protection of vernal pools, vernal swales and the endangered species they support, including Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam and California tiger salamander. Four units are proposed for inclusion within this ecological reserve: Hall Road, Todd Road, Wikiup and Yuba Drive. The Todd Road unit is partly comprised of the existing Laguna de Santa Rosa Ecological Reserve, which is proposed for removal from the ecological reserve list to reduce confusion with Laguna Wildlife Area and to simplify management of the property.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and may act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species the properties support.

A special regulation for Ballona Wetlands Ecological Reserve will prohibit access, except as provided in the general regulations, until a restoration project on the property is completed. This restriction is necessary to protect the sensitive resources during the restoration period.

Two special regulations for Burton Mesa Ecological reserve will restrict motor vehicle use to department authorized and public safety purposes to protect the rare chaparral vegetation community, and allow upland game hunting in areas and at times specified by the department. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the department determines this public use is appropriate and will cause no impacts to sensitive species and habitat.

Three special regulations for Santa Rosa Plain Vernal Pool Ecological Reserve will prohibit entry without written permission of the department to protect habitat and species, allow public use of a future trail on the Hall Road Unit under conditions established by the regional manager, allow ecological research and environmental education with written permission from the department and allow livestock grazing for

habitat management with written permission of the department.

The department proposes to amend special area regulations for the existing Headwaters Forest Ecological reserve to allow the owner of the property, the Bureau of Land Management, to authorize camping and swimming when needed for research and monitoring purposes; and to authorize use of aircraft and motor vehicles for emergency operations, monitoring, research and other management activities.

The department also proposes to remove from the existing list of ecological reserves the Laguna de Santa Rosa Ecological Reserve and include this property within the Todd Road Unit of the new Santa Rosa Plain Vernal Pool Ecological Reserve. This amendment is proposed to eliminate confusion of this area with the Laguna Wildlife Area and to assist management and public use activities.

Three administrative amendments are proposed to correct a spelling error in a special regulation for Buena Vista Ecological Reserve; to revise a numerical reference in a special regulation for China Point Ecological reserve necessitated by addition of new reserves and renumbering of the ecological reserves list; and to list the counties in which the San Joaquin River Ecological Reserve is located, correcting a prior omission of this information.